

## **REMARKS**

Upon entry of the Amendment, Claims 1 and 28-66 are pending. Claims 52-54 have been found to contain allowable subject matter. These claims 52-54 have been converted to independent form and thus should be allowable. Claims 1 and 64 have been amended. Accordingly, the application should be in condition for allowance.

### **Obviousness Type Double Patenting**

Claims 36, 44, 45, 50 and 51 have been provisionally rejected under the judicially created doctrine of obviousness type double patenting based on in part on US Patent Application No. 11/648,365, which has been abandoned. This rejection is therefore obviated.

### **Claim Rejections-35 USC §103**

Claims 1, 28-43, 48-51 and 55-57 have been rejected under 35 USC § 103 as unpatentable over Sandhu US Patent No. 6,701,066 ("the Sandhu patent"). It is respectfully submitted that the Sandhu patent teaches away from the claims, as amended. More specifically, the claims recite a closed loop temperature control system for maintaining the vapor passageway at a temperature greater than the condensation temperature of the vapor. The claims also recite a closed loop pressure control system for controlling the position of the throttle valve as a function of the pressure downstream of the vaporizer.

The Sandhu patent teaches a totally different method for preventing condensation of the vapor. Rather than control the temperature of the vapor passages as recited in the claims at issue, the Sandhu patent does not control the temperature of the vapor passages at all. Rather, the Sandhu patent teaches controlling the temperature of the vapor so that it does not condense along the vapor path ("*To maintain the solid precursor material 112 in the vapor phase, a controller 146 is used to adjust the temperature of the heating device 108 to account for detected or expected changes in pressure. Sandhu patent, Col. 5, lines 21-25*"). The Sandhu patent controls the temperature of the vapor itself within the vaporizer itself by way of a heater 108. The Examiner's attention is respectfully directed to Fig. 1 of the Sandhu patent. In the Sandhu patent, once the vapor leaves the vaporizer, there is no control of the vapor temperature or the surfaces in the vapor path. Such a method for preventing condensation of the vapor as disclosed only indirectly prevents vaporization and its effectiveness in preventing condensation would be

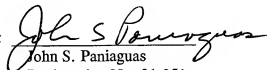
greatly dependent on the ambient temperature environment. The system recited in the claims at issue is able to prevent condensation in virtually any ambient environment. For all of the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 44-47 and 58-66 have been rejected under 35 USC §103 as being unpatentable over the Sandhu patent and further in view of Wang et al US Patent No. 7, 437,060 ("the Wang et al patent"). Claims 44-47 and 58-63 are dependent upon claim 1. Claim 64 is independent and has been amended in a similar manner as Claim 1. Claims 65 and 66 are dependent upon Claim 64. The Sandhu patent was discussed above. The Wang et al patent was cited for disclosing an ion source, etc. The Wang et al patent does not otherwise disclose a vapor delivery system as recited in the claims at issue. For these reasons and the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Respectfully submitted,

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